

# LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

SEPTEMBER 2, 2008

## I CALL TO ORDER

Mayor Louws called to order the September 2, 2008 regular session of the Lynden City Council at 7:00 P.M. at the Lynden City Hall Annex.

## ROLL CALL

Members present: Mayor Jack Louws; Councilors Doug Adelstein, Gary Bode, Dave Burns, Ron De Valois, Tobey Gelder, Gerald Kuiken, and Nick Laninga.

Members absent: None.

Staff present: Fire Chief Gary Baar, Administrative Assistant Rachel Byers, Finance Director Teresa Camfield, Chief of Police Jack Foster, Planning Director Amy Harksell, Public Works Director Duane Huskey, Parks and Recreation Director Vern Meenderinck, and City Administrator Bill Verwolf. Also present was City Attorney Bob Carmichael.

## APPROVAL OF MINUTES

*Councilor De Valois moved and Councilor Bode seconded that the minutes of the August 18, 2008 Regular Council session be approved. The motion carried.*

## ITEMS FROM THE AUDIENCE

**Scheduled** - None

**Unscheduled** - None

## II CONSENT AGENDA

### **Approval of Payroll**

Direct Deposits, Draws and Warrants No. 13185 through 13240 \$ 421,114.70

### **Finding of Fact - Development Standards Variance 08-01**

### **Small Cities Appointment to the Public Facilities District - Mr. Troy Luginbill**

### **Ordinance No. 1331 - Updating Chapter 8.16.020**

### **Request Public Hearing for Resolution No. 793 - Lynden Municipal Airport Layout Plan**

### **Approval of City Agreements to Pay Assessments for ULID No. 2008-01**

Councilor Adelstein requested that the item titled Approval of City Agreement to Pay Assessments for ULID No. 2008-01 be removed from the Consent Agenda.

*Councilor Adelstein moved and Councilor Kuiken seconded that the Consent Agenda, excluding Approval of City Agreements to Pay Assessments for ULID No. 2008.01, be approved. The motion carried.*

### **Approval of City Agreements to Pay Assessments for ULID No. 2008-01**

City Administrator Bill Verwolf noted the following change on the executive summary:

The cost to the City to pay these assessments and acquire the rights to the applicable storm water detention and treatment capacity in the West Lynden Storm Water Basin, totals ~~\$132,517.88~~ \$140,205.68, and the development area capacity acquired totals ~~17.45~~ 17.34 acres.

*Councilor Bode moved and Councilor Gelder seconded that the agreements for payment of the assessments for Gillies Holdings, Yang, Miller, Spears, Rehm, and Barajas properties be approved and that the Mayor be authorized to sign the agreements after they have been signed by the property owners. The motion carried.*

**III PUBLIC HEARING**

**Ordinance No. 1330 - Fire Facilities Capital Facility Plan and Impact Fees**

The City of Lynden continues to grow both in area and population. Growth places additional needs upon the City’s resources. To serve the increasing population and area Fire Chief Gary Baar has worked with the Public Safety Committee to outline the facility and equipment needs for the next six years. The Growth Management Act also requires that in addition to listing the facility and equipment needs, a funding program be developed to ensure those items are provided “concurrently” with growth.

Funding for Fire Facilities and Services will be provided through a variety of sources: property taxes, Voter Approved Bonds, Council bonds, and impact fees. Based on the expected growth, the ratio of residential to non-residential calls and the cost to provides services, Ordinance No. 1330 includes an increase in the Fire Facilities Impact Fees. The Public Safety Committee recommended that \$1,000,000 be raised in impact fees over the next six years. That recommendation results in the fess noted below:

| Type                                | Ordinance No. 960<br>(1994) | Ordinance No. 1330<br>(2008) | Increase |
|-------------------------------------|-----------------------------|------------------------------|----------|
| Each Single Family Unit             | \$360.00                    | \$517.00                     | +\$157   |
| Each Multifamily Unit               | \$212.00                    | \$389.00                     | +\$177   |
| Per Square Foot of Commercial Space | \$0.20                      | \$0.28                       | +\$0.08  |

Mayor Louws opened the Public Hearing at 7:08 P.M.

Speaking in favor: None.

Speaking against: None.

*Councilor Burns moved and Councilor Adelstein seconded that the Public Hearing be closed. The motion carried.*

The Public Hearing closed at 7:09 P.M.

*Councilor Burns moved and Councilor Kuiken seconded that Ordinance No. 1330, adopting the 2008-2014 Capital Facilities Plan and Fire Impact Mitigation Fees, be approved and that the Mayor be authorized to sign said Ordinance. The motion carried.*

Mayor Louws thanked Councilor Burns, Fire Chief Gary Baar, the Public Safety Committee, and staff for their work on this Ordinance as it will help to provide for our communities fire and emergency needs.

**IV UNFINISHED BUSINESS**

**Discussion - Liquor Prohibited During Certain Days and Hours - Ordinance No. 1145**

At the August 4, 2008 Council Meeting a Lynden citizen came forward and requested that Council consider repealing the Ordinance that prohibits the sale of alcohol on Sundays. Council referred the matter to the Community Development Committee and the Public Safety Committee for further review.

Councilor Burns stated that they did have a few citizens at the Public Safety Committee meeting who shared their thoughts on the issue. He said that Chief of Police Jack Foster stated that if the ordinance was repealed he would need additional staff. Councilor Burns asked Chief Foster to prepare statistical data showing that need. Councilor Burns said the consensus of the Committee was to recommend the full Council hold a Public Hearing on the issue.

Councilor Kuiken stated that they also had a few citizens at the Community Development Committee meeting who shared their thoughts on the issue. He said the consensus of the Committee was to recommend the full Council hold a Public Hearing on the issue.

Mr. Don Toler, 2102 B Bender Park Boulevard, Lynden, appeared before Council and stated his reasons for why the ordinance should remain in place and the sale of alcohol should be prohibited on Sundays.

Ms. Becki Taylor, 1133 Ash Street, Lynden, appeared before Council and stated her reason for why the ordinance should be repealed and the sale of alcohol should be allowed on Sundays.

Mayor Louws recommended that staff draft an ordinance repealing Ordinance No. 1145 in order to provide a document for people to comment on during the Public Hearing.

***Councilor Kuiken moved and Councilor Gelder seconded that staff be authorized to prepare and ordinance repealing Ordinance No. 1145 and that a Public Hearing be scheduled for October 6, 2008 at 7:00 P.M. at the City Hall Annex in order to allow public comment on said Ordinance. The motion carried.***

## **V NEW BUSINESS**

### **Introduction of Ordinance No. 1332 - Van Loo's Auto Service Right-of-Way Franchise Agreement**

At their August 20, 2008 meeting, the Public Works Committee discussed the addition and remodel that is currently taking place at Van Loo's Auto Service at 205 Liberty Street in Lynden. Their proposed plans show that there are several parking stalls in the lot adjacent to Second Street that encroaches on City right-of-way. In order to gain full use of the parking area, Mr. Roy Van Loo has requested that the City enter into a Franchise Agreement for use of the right-of-way in order to utilize the full potential of the parking area.

Upon review, the Public Works Committee concurred and directed staff to prepare an agreement that would allow the twelve existing parking stalls to encroach upon City right-of-way and to ensure that it would be at Mr. Van Loo's expense to remove and replace parking stalls should the City ever need to access this area.

***Councilor Bode moved and Councilor Burns seconded that the introduction of Ordinance No. 1332, which would serve as a right-of-way franchise agreement between Van Loo's Auto Service and the City of Lynden for the construction, operation, maintenance, and repair of twelve existing parking stalls that protrude into City right-of-way at 205 Liberty Street, be acknowledged. The motion carried.***

### **Resolution No. 794 - Update of Transportation Impact Fees**

Each year the City updates the transportation impact fees based on the Engineering News Record's annual construction indicator. This year, From July 2007 to July 2008, the cost of construction rose 1.5%. Resolution No. 794 increases the rates for the most used uses.

***Councilor Kuiken moved and Councilor Burns seconded that Resolution No. 794, amending Resolution No. 771 for Transportation Impact Fees, be approved and that the Mayor be authorized to sign said Resolution. The motion carried.***

### **Consideration of Preliminary Plat Approval - Burlwood Estates**

Mr. David Weidkamp re-submitted his proposed long plat, Burlwood Estates, located on the east side of Line Road, north of Kamm Road. The revised plat design makes provisions for access to the remaining Shea property for future access and the underlying short plat will also use the road in this subdivision for access.

The Planning Commission held a public hearing on the request on August 21, 2008 and no one spoke in opposition to the subdivision. At the conclusion of the hearing, the Commission passed a motion recommending approval of the subdivision.

Councilor Adelstein disclosed that he and Mr. Weidkamp are employed by the same organization and stated that he has not discussed this issue with Mr. Weidkamp in any way.

***Councilor De Valois moved and Councilor Laninga seconded that preliminary approval for Burlwood Estates be granted and that the Mayor be authorized to sign the Findings of Fact. The motion carried.***

### **Consideration of Preliminary Mixed Use Site Plan Approval - Lynden Market Square**

The owners of the property at the corner of Front Street and 19<sup>th</sup> Street have applied for a shoreline permit and site plan approval for the redevelopment of the Cost Cutter site. The Planning Commission makes the final decision on the shoreline permit and has approved that portion of the development and recommends approval of the site plan.

The remainder of the project will be developed under a recorded development agreement. The site plan is general in nature and the final agreement will include the necessary changes and conditions for the mixed use development of the site. The developers have requested a full access (including right in and right out) driveway on Front Street and are prepared to move the driveway east to meet the requirements of the Development Standards.

The next step in this process will be for Council to approve the general site plan with the mix of uses and to direct staff to work with the developer to complete a development agreement that outlines all the conditions and restrictions for the project. The agreement will be subject to further Council approval.

Councilor Adelstein recused himself from discussing and voting on this agenda item as the organization he is employed by has spoken with the developers of this project regarding possible space availability.

***Councilor De Valois moved and Councilor Gelder seconded that preliminary site plan approval for the mixed use development at Lynden Market Square be approved as recommended by the Planning Commission and that staff be authorized to draft a development agreement for Council approval. The motion carried with 6 in favor, 0 against, and Councilor Adelstein abstaining.***

### **Consideration of Final Plat Approval - The Ridge at Lynden Phase II**

Mr. Galen Koetje has completed the work on the second phase of the plat known as “The Ridge at Lynden” at the corner of Line Road and Bradley Road. This plat was approved in July 2006, and the first phase was completed in 2007.

Staff recommends final plat approval on the following conditions:

- Completion of maintenance bonds;
- Completion of performance bond for street trees;
- Submittal of final as-built mylars; and
- Submittal of final plat mylars.

***Councilor Adelstein move and Councilor De Valois seconded that final plat approval for The Ridge at Lynden be granted based on the conditions listed above and that the Mayor be authorized to sign the final mylars. The motion carried.***

### **Introduction to a 2008 Budget Amendment**

As required by State regulations, a proposed amendment to the 2008 Budget was introduced to Council. The amendment reflects Council’s authorized transactions and will modify Fund 114 - Employee Liability.

### **Request to Dispose of Surplus Property**

Per Policy F-10, Disposal of Surplus Property Other Than Real Estate, when the estimated property value of the requested surplus property is greater than \$9,999.99, the request must be

reviewed by the Finance Committee. Upon their recommendation, the request is then forwarded to Council, where the disposal must be approved by a majority.

There is one large piece of equipment that is being brought forward per the Public Works department that qualifies for Council's approval in order to dispose of the property. The equipment is an Andritz centrifuge, model number D5LP30C installed originally in 1997. After a discussion regarding minimum bid, it is recommended that it be set at \$18,000.

***Councilor Adelstein moved and Councilor Bode seconded that the Andritz centrifuge, model number D5LP30C be declared surplus and that the Finance Director or designee is authorized to dispose as per instructions. The motion carried.***

## **OTHER**

### **Tour of New City Hall**

Mayor Louws informed Council that Strengholt Construction has made the job site safe and secure in order to allow Council, City staff, and the City Hall Design Committee to tour the building. This tour will take place on Friday, September 5, 2008 at 3:00 P.M. Mr. Calvin Bratt with the Lynden Tribune acknowledged notice of this event.

### **Retail Study Results**

Planning Director Amy Harksell informed Council that the retail study is complete and that it can be found on the City's website, [www.lyndenwa.org](http://www.lyndenwa.org). She said representatives from Pitney Bowes MapInfo will provide Council with a presentation of their results at the September 15, 2008 Council meeting.

### **Ms. Stephanie Vis**

Councilor Adelstein introduced Ms. Stephanie Vis, ASB (Associated Student Body) President at Lynden High School, who was attending the Council meeting as a requirement of her government class. Councilor Adelstein stated that Ms. Vis is an outstanding young person.

## **VI EXECUTIVE SESSION**

Council went into Executive Session at 7:58 P.M. to discuss a union contract and a LEOFF (Law Enforcement Officers and Firefighters) 1 issue. It was anticipated that the Executive Session would last approximately 20 minutes and that action would likely be taken following the session. Council came out of Executive Session at 8:08 P.M.

***Councilor Burns moved and Councilor Adelstein seconded that the Police Supervisory Bargaining Agreement for 2008-2011 be approved. The motion carried.***

## **VII ADJOURNMENT**

The September 2, 2008 regular session of the Lynden City Council adjourned at 8:09 P.M.

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Rachel Byers, Administrative Assistant

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Jack Louws, Mayor